

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY LAWLER  
408 3rd Street  
Brookhaven, PA 19015

Plaintiff,

v.

KYLE STANCIL  
271 Ardmore Avenue  
Lansdowne, PA 19050, AND

UNITED STATES POSTAL SERVICE  
400 Edgmont Avenue  
Chester, PA 19013, AND

UNITED STATES OF AMERICA  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001, AND

DIONNE COBB  
408 3rd Street  
Brookhaven, PA 19015,

Defendants.

Civil Action No. \_\_\_\_\_

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1442 and 2679(d), the United States of America removes this action from the Court of Common Pleas of Delaware County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania and, in support, avers as follows:

1. On or about July 21, 2022, plaintiff Anthony Lawler commenced this action by filing a Complaint in the Court of Common Pleas of Delaware County. *See* Complaint, attached hereto as Exhibit A.

2. The action arises out of a motor vehicle accident. Plaintiff was allegedly a passenger in one of the motor vehicles involved in the accident. The Complaint alleges negligence and carelessness by the defendants.

3. Defendant Kyle Stancil is an employee of the United States Postal Service who was at all times relevant to the Complaint acting within the scope of his federal employment. The United States Attorney's certification of scope of employment under 28 U.S.C. § 2679(d)(2) is attached hereto as Exhibit B.

4. The Federal Tort Claims Act, 28 U.S.C. §§ 1346(b)(1) and 2679 *et seq.*, is the exclusive remedy for negligence actions brought against any agency of the United States or any federal employee who was acting in their official capacity or within the scope of their employment.

5. Actions brought under the Federal Tort Claims Act may only be brought in federal district court. 28 U.S.C. § 1346(b)(1).

6. Therefore, pursuant to Section 2679(d)(2) of the Federal Tort Claims Act, and 28 U.S.C. § 1442(a)(1), this entire action must be removed to district court. Under 28 U.S.C. § 2679(d)(2), the action may be removed any time before trial.

7. No bond is required to accompany this notice as it is being filed on behalf of the United States. *See* 28 U.S.C. § 2679(d)(2).

8. A certified copy of this Notice of Removal is being filed in the Prothonotary's Office of the Court of Common Pleas of Delaware County, Pennsylvania and is being sent to all adverse parties pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, the United States hereby submits notice of removal of this action.

Dated: September 23, 2022

Respectfully submitted,

JACQUELINE C. ROMERO  
United States Attorney

/s/ Susan R. Becker on behalf of  
GREGORY DAVID  
Assistant United States Attorney  
Chief, Civil Division

  
STACEY L. B. SMITH  
Assistant United States Attorney  
615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106  
Telephone: (215) 861-8348

Email: [Stacey.Smith@usdoj.gov](mailto:Stacey.Smith@usdoj.gov)

**CERTIFICATE OF SERVICE**

I certify that on this date I caused a copy of the foregoing Notice of Removal and the exhibits attached thereto, which is available for viewing and downloading via the Court's ECF system, to be filed with the Clerk of Court via ECF, and I caused a copy of those documents to be sent by both first class and certified mail, postage paid, to:

George A. Marinelli, Esq.  
AIVAZOGLOU & MIKROPOULOS  
1425 Chester Pike  
Eddystone, PA 19022  
(610) 876-8880

Dated: September 23, 2022

  
\_\_\_\_\_  
SPACEY L.B. SMITH  
Assistant U.S. Attorney



**Exhibit A**

# Supreme Court of Pennsylvania

## Court of Common Pleas Civil Cover Sheet

Delaware

County

For Prothonotary Use Only:

Docket No:

CV-2022 - 005254

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

### Commencement of Action:

- ☒ Complaint
 ☐ Writ of Summons
 ☐ Petition
 ☐ Transfer from Another Jurisdiction
 ☐ Declaration of Taking

Lead Plaintiff's Name:

Anthony Lawler

Lead Defendant's Name:

Kyle Stancil

Are money damages requested? ☒ Yes ☐ No

Dollar Amount Requested: ☒ within arbitration limits  
(check one) ☐ outside arbitration limits

Is this a Class Action Suit? ☐ Yes ☒ No

Is this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: George Marinelli, Esquire

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

### TORT (do not include Mass Tort)

- ☐ Intentional  
☐ Malicious Prosecution  
☒ Motor Vehicle  
☐ Nuisance  
☐ Premises Liability  
☐ Product Liability (does not include mass tort)  
☐ Slander/Libel/ Defamation  
☐ Other:

### MASS TORT

- ☐ Asbestos  
☐ Tobacco  
☐ Toxic Tort - DES  
☐ Toxic Tort - Implant  
☐ Toxic Waste  
☐ Other:

### PROFESSIONAL LIABILITY

- ☐ Dental  
☐ Legal  
☐ Medical  
☐ Other Professional:

### CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff  
☐ Debt Collection: Credit Card  
☐ Debt Collection: Other

- ☐ Employment Dispute: Discrimination  
☐ Employment Dispute: Other

☐ Other:

### REAL PROPERTY

- ☐ Ejectment  
☐ Eminent Domain/Condemnation  
☐ Ground Rent  
☐ Landlord/Tenant Dispute  
☐ Mortgage Foreclosure: Residential  
☐ Mortgage Foreclosure: Commercial  
☐ Partition  
☐ Quiet Title  
☐ Other:

### CIVIL APPEALS

- Administrative Agencies  
☐ Board of Assessment  
☐ Board of Elections  
☐ Dept. of Transportation  
☐ Statutory Appeal: Other

- ☐ Zoning Board  
☐ Other:

### MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration  
☐ Declaratory Judgment  
☐ Mandamus  
☐ Non-Domestic Relations  
☐ Restraining Order  
☐ Quo Warranto  
☐ Replevin  
☐ Other:

Updated 1/1/2011

**AIVAZOGLU & MIKROPOULOS**

BY: George A. Marinelli, Esquire

Attorney I.D. No.: 46947

1425 Chester Pike

Eddystone, PA 19022

(610) 876-8880

ATTORNEY FOR THE PLAINTIFF

**IN THE COURT OF COMMON PLEAS OF  
DELAWARE COUNTY, PENNSYLVANIA**

|                              |   |                                    |
|------------------------------|---|------------------------------------|
| ANTHONY LAWLER               | : | CIVIL ACTION LAW                   |
| 408 3 <sup>rd</sup> Street   | : |                                    |
| Brookhaven, PA 19015         | : |                                    |
| And                          | : |                                    |
|                              | : |                                    |
| <b>Plaintiff</b>             | : |                                    |
| <b>v.</b>                    | : | DOCKET NO.: CV-2022-005254         |
| KYLE STANCIL                 | : |                                    |
| 271 Ardmore Ave              | : |                                    |
| Lansdowne, PA 19050          | : | Is this an Arbitration Matter? Yes |
| And                          | : |                                    |
| UNITED STATES POSTAL SERVICE | : |                                    |
| 400 Edgmont Ave,             | : |                                    |
| Chester, PA 19013            | : |                                    |
| And                          | : |                                    |
| UNITED STATES OF AMERICA     | : |                                    |
| U.S. Department of Justice   | : |                                    |
| 950 Pennsylvania Avenue, NW  | : |                                    |
| Washington, DC 20530-0001    | : |                                    |
| And                          | : |                                    |
| DIONNE COBB                  | : |                                    |
| 408 3 <sup>rd</sup> Street   | : |                                    |
| Brookhaven, PA 19015         | : |                                    |
|                              | : |                                    |
| <b>Defendants</b>            | : |                                    |

**NOTICE TO DEFEND**

**You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims**



set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.**

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

**LAWYER REFERRAL SERVICE  
FRONT AND LEMON STREETS  
MEDIA, PA 19063  
(610) 566-6625**

**AIVAZOGLU & MIKROPOULOS**

BY: George A. Marinelli, Esquire

Attorney I.D. No.: 46947

1425 Chester Pike

Eddystone, PA 19022

(610) 876-8880

ATTORNEY FOR THE PLAINTIFF

**IN THE COURT OF COMMON PLEAS OF  
DELAWARE COUNTY, PENNSYLVANIA**

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|                       |   |                                    |
|-----------------------|---|------------------------------------|
| ANTHONY LAWLER        | : | CIVIL ACTION LAW                   |
|                       | : |                                    |
| Plaintiff             | : |                                    |
| v.                    | : | DOCKET NO.: CV-2022-005254         |
| KYLE STANCIL, ET. AL. | : |                                    |
|                       | : | Is this an Arbitration Matter? Yes |
| Defendants            | : |                                    |

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**CIVIL ACTION**

1. Plaintiff, Anthony Lawler is a citizen and resident of the Commonwealth of Pennsylvania, residing therein at 408 3<sup>rd</sup> Street, Brookhaven, PA 19015.
2. Defendant, Kyle Stancil is a citizen and resident of the Commonwealth of Pennsylvania, residing therein at 271 Ardmore Ave, Lansdowne, PA 19050.
3. Defendant, United States Postal Service is a public utility conducting business within the Commonwealth, with a registered address of 400 Edgmont Ave, Chester, PA 19013.
4. Defendant, United States of America is a country of which the United States Postal Service is an agency, with an address of U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.
5. Defendant, Dionne Cobb is a citizen and resident of the Commonwealth of Pennsylvania, residing therein at 408 3<sup>rd</sup> Street, Brookhaven, PA 19015.
6. At all times material to Plaintiff's cause of action, Defendants were the owners,

operators, possessors, maintainers, and/or in control of a certain motor vehicle, which was then and there being operated by the Defendants.

7. At all times material hereto, Defendants are believed to have been the owners, insurers, lessors, and/or parties that had an ownership, right, title, lease, and/or interest in a certain motor vehicle, which was then and there being operated by said Defendants.
8. All of the acts alleged to have been done or not to have been done by the Defendants were done or not done by said Defendants, their agents, servants, workmen and/or employees acting in the course and scope of their employment with and on behalf of said Defendants.
9. On or about August 1, 2020, at approximately 12:00 PM, and at all times material hereto, Plaintiff, Anthony Lawler was a passenger in a motor vehicle operated by Defendant, Dionne Cobb, traveling West on Upland Avenue, at or near 601 Upland Avenue, in the City of Upland, in the County of Delaware, in the Commonwealth of Pennsylvania, when suddenly and without warning, a motor vehicle owned and operated by Defendant, United States Postal Service, and especially Defendant, Kyle Stancil, proceeding South from a parking lot, violently struck Defendant, Dionne Cobb's motor vehicle, causing the Plaintiff to sustain serious and painful injuries, as more fully set forth herein at length.
10. The accident, injuries, and damages sustained by the Plaintiff were caused by the carelessness and negligence of the Defendants generally and in the following particular respects in that they:
  - a. Failed to regard the rights and safety of Plaintiff at the point aforesaid;



- b. Failed to have said motor vehicles under proper and adequate control;
- c. Operated said motor vehicles at a high and excessive rate of speed under the circumstances;
- d. Failed to pay attention in violation of 75 Pa. Cons. Stat. § 3714;
- e. Failed to make appropriate observations of traffic;
- f. Failed to slow, stop, swerve or take other appropriate evasive action to avoid a motor vehicle collision;
- g. Failed to slow down upon approaching Plaintiffs' vehicle;
- h. Failed to operate the motor vehicle at the time of the accident in a careful and prudent manner;
- i. Failed to keep a proper lookout;
- j. Failed to apply the brakes on the motor vehicle in sufficient time to avoid the collision;
- k. Violated the "Assured Clear Distance Rule";
- l. Failed to exercise reasonable care for the safety of the Plaintiffs;
- m. Failed to stop in violation of 75 Pa. Cons. Stat. § 3323;
- n. Collided with another motor vehicle lawfully traveling on the roadway;
- o. Acted in an otherwise negligent, careless manner without due regard and caution under the circumstances;
- p. Violated other Acts of the General Assembly of the Commonwealth of Pennsylvania, as well as local ordinances and regulations, concerning the operation of motor vehicle, including the Pennsylvania Motor Vehicle Code;
- q. Acted in an otherwise negligent, careless manner under the circumstances;

- r. Was negligent at law; and
- s. Was negligent per se.

**COUNT I**

**PLAINTIFF, ANTHONY LAWLER v. DEFENDANTS**  
**(Negligence- Personal Injuries)**

11. Plaintiff, Anthony Lawler incorporates herein by reference paragraphs one through seven (1-10) inclusively, as though same were fully set forth at length herein.
12. As a direct and proximate result of the carelessness and negligence of the Defendants, Plaintiff suffered severe and painful injuries to his head, neck, right shoulder, right arm, back and right knee, extremities, and body, its bones cells, tissues, nerves, muscles, and functions, including, but not limited to, **acute post traumatic headache, sprain of cervical spine, pain in right elbow, muscles spasm of back, pain in thoracic spine, sprain of the lumbar spine, pain in right knee, contracture in right knee**, aggravation and/or exacerbation of both known and unknown preexisting medical conditions, causing him great pain and suffering, some or all of which may be permanent in nature and may extend for an indefinite period of time into the future.
13. As a result of aforesaid, Plaintiff has undergone great physical pain and mental anguish and he will continue to endure the same, for an indefinite time in the future to his great detriment and loss.
14. As a result of the aforesaid, Plaintiff has been unable to attend to his usual and daily duties and occupation, and he will be unable to attend to the same for an indefinite time in the future, to his great detriment and loss.



15. As a result of the aforesaid, Plaintiff has suffered a loss and depreciation of his earnings and earning power and he will continue to suffer such loss and depreciation for an indefinite time in the future, to his great detriment and loss. Claim is also being made for impairment of future earning capacity and lost wages.
16. As a further result of the aforesaid, Plaintiff has been obliged to receive and undergo medical attention and care and to incur various expenses for the same and may be obliged to continue to undergo such medical care and to incur such medical expenses for an indefinite time in the future.
17. As a further result of the aforesaid Plaintiff has been prevented from and hindered in performing his customary duties, occupations, and activities, and he has been unable to enjoy the pleasures of life, all of which may continue for an indefinite time in the future.

**WHEREFORE**, Plaintiff, Anthony Lawler respectfully demands judgment in his favor and against the Defendants, in an amount not in excess of Fifty Thousand Dollars (\$50,000.00), together with court costs, plus interest, attorneys' fees, and delay damages pursuant to Rule 238 of the Pa.R.C.P., and any other relief the Court deems appropriate.

**COUNT II**

**PLAINTIFF v. DEFENDANTS, UNITED STATES POSTAL SERVICE**  
**AND UNITED STATES OF AMERICA**  
**(Negligent Entrustment/Vicarious Liability/Respondeat Superior)**

18. Plaintiff incorporates herein by reference paragraphs one through seven (1-17) inclusively, as though same were fully set forth at length herein.

19. At all times material hereto, Defendants acted by and through their duly authorized agents, servants, and/or permissive users acting in the course and scope of their permissive use with and on behalf of said Defendants.
20. At all times material hereto, Defendants, and/or had reason to know, that their agent, servant and/or permissive user was unfit to safely and securely operate a motor vehicle.
21. The aforementioned accident, injuries, and damages sustained by Plaintiff, were caused by the direct and vicarious carelessness, negligence, gross negligence and/or recklessness of Defendants, both generally and in the following particular respects in that they:
  - a. Failed to properly train their agents, servants, and/or permissive users in the safe execution/performance of their duties to avoid personal injury to other individuals;
  - b. Failed to maintain proper and adequate control over said vehicle;
  - c. Permitted the negligent use of their vehicle;
  - d. Is vicariously liable for all of the negligent acts and/or omissions of their agents, servants, and/or permissive users occurring during the course and scope of their agency, service, and/or permissive use;
  - e. Failed to properly supervise their agents, servants, and/or permissive users in the operation of their vehicle;
  - f. Failed to use due care;
  - g. Was negligent at law; and
  - h. Was negligent per se.

22. As a direct and proximate result of the carelessness, gross negligence, recklessness, and negligence of the Defendants, Plaintiff suffered severe and painful injuries.

**WHEREFORE**, Plaintiff, Anthony Lawler respectfully demands judgment in his favor and against Defendants, in an amount not in excess of Fifty Thousand Dollars (\$50,000.00), for damages together with costs of suit, interest, and delay damages pursuant to Rule 238 of the Pa.R.C.P., and any such other relief the Court deems just and proper under the circumstances.

Date: 7/21/22

  
**AVAZOGLU & MIKROPOULOS**

---

George A. Marinelli, Esquire  
Attorney for the Plaintiff

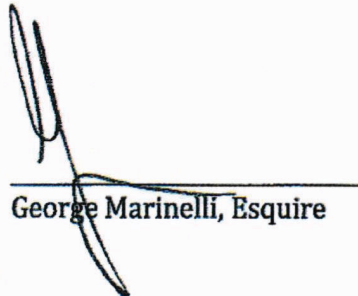
**VERIFICATION**

*George Marinelli, Esquire*, verifies and says that he is an attorney-at-law in the offices of **AIVAZOGLU & MIKROPOULOS**, that he is authorized to make this Verification , and, that the facts set forth in the foregoing Plaintiff's Civil Action are true and correct to the best of his knowledge, information, and belief. Same is also being executred pursuant to PA. R.C.P §1024 as Plaintiff's verification cannot be obtained within the time allowed for filing this Pleading.

This statement is made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

DATE:

7/21/22



George Marinelli, Esquire



**AIVAZOGLOU & MIKROPOULOS**

BY: George A. Marinelli, Esquire

Attorney I.D. No.: 46947

1425 Chester Pike

Eddystone, PA 19022

(610) 876-8880

ATTORNEY FOR THE PLAINTIFF

**IN THE COURT OF COMMON PLEAS OF  
DELAWARE COUNTY, PENNSYLVANIA**

ANTHONY LAWLER

Plaintiff

v.

KYLE STANCIL, ET. AL.

Defendants

CIVIL ACTION LAW

DOCKET NO.: CV-2022-005254

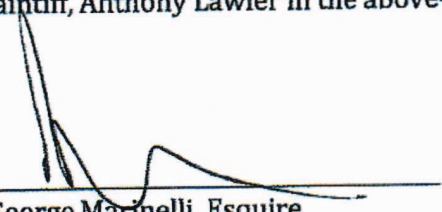
Is this an Arbitration Matter? Yes

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE OFFICE OF JUDICIAL SUPPORT:

Kindly enter my appearance on behalf of Plaintiff, Anthony Lawler in the above-captioned matter.

7/21/22  
Date

  
George Marinelli, Esquire  
Attorney for Plaintiff

**Exhibit B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY LAWLER,

Plaintiff,

v.

KYLE STANCIL, *et al.*,

Defendants.

:  
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:  
:  
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Civil Action No. \_\_\_\_\_

**CERTIFICATION OF SCOPE OF EMPLOYMENT**

I, JACQUELINE C. ROMERO, the undersigned United States Attorney, pursuant to the provisions of 28 U.S.C. § 2679(d) and by virtue of the authority vested in me by the Attorney General of the United States under 28 C.F.R.

§ 15.3(a), hereby certify that: (1) I have read the Complaint in this action; (2) I have reviewed information supplied to me by the United States Postal Service; and (3) to the best of my knowledge, information, and belief, based on information supplied to me in my official capacity, defendant Kyle Stancil is an employee of the United States, by and through the United States Postal Service, and was acting within the scope of his duties and employment at all times pertinent to the allegations relating to him in the Complaint.

Therefore, I have been authorized in my official capacity by the United States Department of Justice to so certify and move to substitute the United States of America pursuant to 28 U.S.C. § 2679 as to any and all tort claims raised against him in this action.

Dated: September 22, 2022

**SUSAN  
BECKER**

Digitally signed by  
SUSAN BECKER  
Date: 2022.09.22  
13:27:43 -04'00'

**JACQUELINE C. ROMERO**  
United States Attorney

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

ANTHONY LAWLER

(b) County of Residence of First Listed Plaintiff Delaware  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

George A. Marinelli  
Aivazoglou & Mikropoulos  
1425 Chester Pike, Edvstone, PA 19022

**DEFENDANTS**

UNITED STATES OF AMERICA, et al.

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Stacey L.B. Smith, Assistant United States Attorney  
615 Chestnut Street, Suite 1250, Philadelphia, PA 19130  
Phone: (215) 861-8348

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

| CONTRACT  | TORTS   | FORFEITURE/PENALTY   | BANKRUPTCY  | OTHER STATUTES   |   |
|---|---|--|---|--|---|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input checked="" type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application<br><input type="checkbox"/> 840 Trademark<br><input type="checkbox"/> 880 Defend Trade Secrets Act of 2016<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)<br><input type="checkbox"/> 485 Telephone Consumer Protection Act<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property  | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 448 Education  | <b>PRISONER PETITIONS</b><br><b>Habeas Corpus:</b><br><input type="checkbox"/> 463 Alien Detainee<br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><b>Other:</b><br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement                                |   |  |   |

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. § 1346 (b)(1); 2679(d)(2).

Brief description of cause:

Motor vehicle accident between plaintiff, USPS vehicle and another defendant

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$  
50,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Brody

DOCKET NUMBER 22CV2924

DATE

Sep 22, 2022

SIGNATURE OF ATTORNEY OF RECORD

Stacey L.B. Smith

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE



**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

## DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 408 3rd Street, Brookhaven, PA 19015

Address of Defendant: 400 Edgmont Ave., Chester, PA 19013

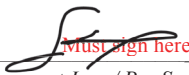
Place of Accident, Incident or Transaction: Upland Street and 6th Street, Upland PA

## RELATED CASE, IF ANY:

Case Number: 22-cv-02924 Judge: ANITA B. BRODY Date Terminated:

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |   |  |
|--|---|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☒ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.DATE: 09/22/2022  **Must sign here** 93731  
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

## CIVIL: (Place a ✓ in one category only)

## A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases  
(Please specify): Federal Tort Claims Act

## B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify):
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases  
(Please specify):

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Stacey L B Smith, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:☐ Relief other than monetary damages is sought.DATE: 09/22/2022 Sign here if applicable 93731  
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.